

### **Remarks**

At the time of the first Office Action, claims 1-18 were pending and rejected. By this paper, Applicants amend claims 1-7, 11 and 15 and add claims 19 and 20. No new matter has been introduced by this Amendment. Applicants do not admit that the amendments are necessary as a result of any cited art or Examiner rejections. Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

#### **35 U.S.C. § 112 Rejection**

Claims 4-5 and 7 are rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended claim 4 so that it recites “the new launch practice item.” Accordingly, the limitations of claim 4 now include sufficient antecedent basis, and Applicants respectfully request that the §112 rejection of claim 4 be withdrawn.

Applicants have amended claim 5 to obviate the §112 rejection, and therefore, request withdrawal of the rejection.

Claim 7 recites the limitation “wherein the set of key sources further includes . . . global craftsmanship.” According to the Examiner, the term “global craftsmanship” is not well known in the art. Therefore, for purposes of examination, the Examiner construes “global craftsmanship” to mean “a measure of fit and finish, correct ergonomic execution and appropriate sensory elements” and requires further clarification. Respectfully, Applicants disagree with the Examiner’s conclusion that “global craftsmanship” is not a well known term in the art. Notwithstanding, without waiver or prejudice, Applicants have removed the rejected phrase from claim 7 to advance prosecution of this application.

**Anticipation Rejection**

Claims 1, 2, 6 and 8-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. Appl. Pub. No. 2003/0105773, filed by *Linde et al.* (hereinafter "*Linde*"). Applicants respectfully traverse this rejection because *Linde* does not teach, disclose or suggest pending claims 1, 2, 6 or 8-10.

The MPEP states that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131, 8th Ed., Rev. 5 (citation omitted). Applicants respectfully submit that *Linde* fails to satisfy this requirement. The MPEP further states that "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (citation omitted).

Pending claim 1 recites a step of "[an] . . . at least one member [of a second launch team] using [a] . . . launch practice item to improve consistency, deliverability and/or measurability of [a] . . . launch practice during [a] ... second launch program." As recited in claim 1, "[the] . . . launch practice [is] utilized in a product development launch cycle across a first launch program team during a first launch program and a second launch program team during a second launch program." *Linde* fails to teach, disclose or suggest these recitations of claim 1. For example, *Linde* does not teach, disclose or suggest the use of launch practice items to improve product development launch practices. Furthermore, *Linde* does not address launch practices utilized by a number of launch programs in a product development launch environment.

At best, *Linde* is limited to "a method for determining the post-launch performance of a product on a market." (Abstract.) While the claimed invention recites "improv[ing] . . . [a] launch practice during [a] . . . second launch program," *Linde*'s method is concerned with post-launch performance of a product after launch. ¶ [0029]. For at least this reason, *Linde* does not teach, disclose or suggest pending claim 1.

Accordingly, *Linde* fails to disclose all of the limitations of claim 1 of the present application. Thus, the anticipation rejection of claim 1 and the associated dependent claims is improper and should be withdrawn.

Pending claims 2, 6 and 8-10, which depend from claim 1, recite additional limitations that are not disclosed or suggested in the cited references, taken alone or in combination. For example, claim 2 recites the additional step of “receiving an at least one member observation regarding the launch practice item from at least one member of the first or second launch program team.” *Linde* fails to anticipate this claim step. As disclosed in *Linde*, the physicians are not members of a product development launch team. Instead, the physicians are acting in a post launch capacity to provide information regarding “monitoring their drug prescription and purchase patterns.” ¶ [0040].

As another example, claim 6 recites that “the set of key sources includes lessons learned by at least one member of the first or second launch program team.” *Linde* fails to anticipate this claim limitation. Instead, *Linde* simply discloses that a key success factor of a particular drug is “capture rate.” ¶ [0037]. *Linde* also provides that results of previous marketing efforts can be accumulated. ¶ [0040]. This information does not qualify as a lesson learned by a launch team member, as recited in claim 6.

As yet another example, claim 8 recites that “the launch practice item is selected from the group consisting of launch elements, procedures, guidelines, standards, policies, and work instructions.” *Linde* fails to anticipate this claim limitation. Rather, *Linde* merely discloses that future market performance of drugs can be quantified using post-launch market information, information related to unmet needs on the drug market, and the propensity of physicians to prescribe particular drugs. ¶ [0029]. The post-launch market information collected according to *Linde* presupposes a drug already on the market, thus the launch phase has long been completed. Moreover, the market information according to *Linde* is exactly that – information or data on post-launch market performance. It is not a “launch practice item,” in particular a launch element (see Applicants’ Specification, p. 6, ll. 11-21), procedure (*Id.*,

p. 6, l. 22 to p. 7, l. 17), guideline (*Id.*, p. 7, ll. 18-22), standard (*Id.*, p. 7, ll. 23-30), policy (*Id.*, p. 8, ll. 3-7), or work instruction (*Id.*, p. 7, l. 31 to p. 8, l. 2). As recited in the pending claims, the “launch practice item” is utilized to improve a “launch practice . . . during a launch program.” *Linde* simply does not provide such a teaching or suggestion.

As yet another example, claim 9 recites that “the launch practice item is a procedure and a document supporting the procedure includes measurables and deliverables.” *Linde* also fails to anticipate this claim limitation. Instead, *Linde* merely discloses that expected post-launch market performance resulting from a number of marketing choices can be simulated. ¶ [0086]. This combination of decisions fails to anticipate “procedure.” Procedures are put in place with the idea that they will be followed, thus ruling out decision-making. Moreover, the claim element “measurables and deliverables” is not anticipated by latent needs, target groups and market segments, as the Examiner contends. Rather, according to *Linde*, latent needs, target groups and market segments are choices a user can select when performing a market performance simulation.

As still yet another example, claim 10 recites that “the launch practice item is a standard and a document supporting the standard includes information regarding how the launch practice should be performed.” *Linde* fails to anticipate this claim limitation as well. Rather, *Linde* merely discloses that a “key success factor” includes a physician’s rationale (why, when, to whom, and how of prescribing the drug) for selecting a particular brand of drug. ¶ [0046]. Contrary to the Examiner’s contention, the rationale behind a physician’s drug prescription habits is wholly unrelated to launch practice standards that include information on how to perform a launch practice.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claims 1, 2, 6 and 8-10 and pass these claims through to allowance.

**Obviousness Rejection**

Claims 3-5 and 11-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Linde* in view of U.S. Pat. Appl. Pub. No. 2003/0040998, filed by *Kogler et al.* (hereinafter “*Kogler*”). Applicants respectfully traverse this rejection.

The MPEP states that “[i]n order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” MPEP §2141.01(a), 8<sup>th</sup> ed., Rev. 5 (citation omitted). *Kogler* is non-analogous art.

In particular, Applicants’ field of endeavor relates to improving launch practices utilized in a product development launch cycle by a number of launch program teams. *Kogler* is a non-analogous reference about marketing strategy. *Kogler* relates to the field of product marketing, namely the marketing of financial services to a targeted customer base. *Kogler* provides a system and method of acquiring new customers for secondary products through channels opened by the direct marketing of primary products. (See Abstract). Thus, *Kogler* is not in the field of Applicants’ endeavor. *Kogler* is not reasonably pertinent to the particular problem with which Applicants are concerned. There are no aspects of the *Kogler* strategic marketing system and method that is of any relevance to Applicants’ concern for facilitating improved product development launch practices. For at least this reason, Applicants request the Examiner to withdraw this rejection.

Further, Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness. MPEP § 2143 details the basic requirements necessary to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Regarding claims 3-5, Applicants believe these claims to be allowable based upon their dependency from an otherwise allowable independent claim 1. It should be noted, however, that claims 3-5 include additional features that are not taught or suggested in the cited references, taken alone or in combination. For example, claim 3 recites the additional step of “deciding to revise the launch practice item or to create a new launch practice item if implementing the at least one member observation improves the consistency, deliverability and/or measurability of the launch practice.” Applicants concur with the Examiner that *Linde* fails to disclose this limitation. However, Applicants submit that *Kogler* fails to cure the deficiencies of *Linde*, thus rendering claim 3 nonobvious. To this end, *Kogler* merely discloses that a marketing agent uses customer information to analyze the marketing strategy of a credit card company to determine which credit card offers garner greater customer acceptance. ¶ [0069]. The marketing agent may then refine the customer offers to maximize product acceptance. *Id.* *Kogler* does not disclose or suggest any decision-making regarding product launch practices, especially if implementing a program launch team member’s observation improves a launch practice. Thus, the obviousness rejection of claim 3 is improper and should be withdrawn.

As another example, claim 4 recites the additional step of “transmitting the revised launch practice item or the new launch practice item to the at least one member.” Applicants agree with the Examiner that *Linde* fails to disclose this limitation. Contrary to the Examiner’s contention, however, *Kogler* fails to cure the deficiencies of *Linde*. Instead, *Kogler* merely discloses that a direct marketer may transmit customer data to a marketing agent who in turn may utilize the customer data to revise the marketing strategy of secondary products. ¶¶ [0068] and [0069]. In return, the marketing agent transmits compensation to the direct marketer. Correspondingly, a new/revised launch practice item is not transmitted according to *Kogler*, just compensation is transmitted. ¶ [0073]. Moreover, the direct

marketer is not a member of a program launch team as the Examiner suggests, but is a separate entity financial institutions hire to market their credit card services. Thus, the obviousness rejection of claim 4 is improper and should be withdrawn.

The combination of *Linde* and *Kogler* also fails to render independent claim 11 obvious. Claim 11 is directed to an online system for facilitating improved consistency, deliverability and/or measurability of a launch practice, and includes at least one server computer operably serving at least one client computer. Claim 11 recites that the at least one server computer is configured to “transmit a launch practice item to an at least one member of [a] first launch program team, wherein the at least one member uses the defined launch practice item to improve consistency, deliverability and/or measurability of the launch practice.” *Linde* fails to teach or suggest this claim limitation. Instead, *Linde* simply discloses that a medical marketing company provides insight into market performance to their clients, which may include medical companies, drug manufacturers and research centers. ¶ [0033]. *Linde* particularly fails to disclose transmitting the “launch practice item,” as the Examiner contends, “to an at least one member of the first launch program team.” Rather, *Linde* merely discloses that the information gathered by the medical marketing company is provided to a client for use in simulating post-launch performance. An “at least one member of the first launch program team” has little use for this information since it does not influence the improvement of launch practices for product launch programs along a product development launch cycle. Moreover, *Kogler* fails to cure the deficiencies of *Linde*.

Claim 11 further recites that the at least one server computer is configured to “receive an at least one member observation regarding the launch practice item from the at least one member of the first launch program team.” *Linde* also fails to teach or suggest this claim limitation. Rather, *Linde* merely discloses that market performance data is gathered by interviewing physicians from a target group and monitoring their drug prescription and purchase patterns. ¶ [0050]. No observations regarding the launch practice item are received by a member of a *launch program team*, as is recited by claim 11. Additionally, *Kogler* fails to cure the deficiencies of *Linde*.

Furthermore, claim 11 recites that the at least one server computer is configured to “transmit a revised launch practice item and/or a new launch practice item implementing the at least one member observation . . . if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice.” Applicants agree with the Examiner that *Linde* does not disclose this limitation. Contrary to the Examiner’s contention, however, *Kogler* also fails to teach or suggest this claim limitation. Instead, *Kogler* merely discloses that a direct marketer may transmit customer data to a marketing agent who in turn may utilize the customer data to revise the marketing strategy of secondary products. ¶ [0068] and [0069]. In return, the marketing agent transmits compensation to the direct marketer. ¶ [0073]. Correspondingly, a new/revised launch practice item is not transmitted according to *Kogler*, just compensation is transmitted. Moreover, the direct marketer is not a member of a program launch team as the Examiner suggests, but is a separate entity financial institutions hire to market their credit card services. Thus, *Kogler* fails to cure the deficiencies of *Linde*.

Accordingly, *Linde* fails to teach or suggest all of the claim limitations of claim 11 of the present application. Since *Kogler* fails to cure the deficiencies of *Linde*, the obviousness rejection of claim 11 and the associated dependent claims is improper and should be withdrawn.

As another example, claim 13 recites that “the launch practice item is a procedure and a document supporting the procedure includes measurables and deliverables.” *Linde* also fails to teach or suggest this claim limitation. Instead, *Linde* merely discloses that expected post-launch market performance resulting from a number of marketing choices can be simulated. This combination of decisions fails to teach or suggest “procedure.” Procedures are put in place with the idea that they will be followed, thus ruling out decision-making. Moreover, the claim element “measurables and deliverables” is not taught by *Linde*’s latent needs, target groups and market segments, as the Examiner contends. Rather, according to *Linde*, latent needs, target groups and market segments are choices a user can select when performing a market performance simulation. *Kogler* likewise fails to cure the deficiencies of *Linde*. Thus, the obviousness rejection of claim 13 is improper and should be withdrawn.



As yet another example, claim 14 recites that “the launch practice item is a standard and a document supporting the standard includes information regarding how the launch practice should be performed.” *Linde* fails to teach or suggest this claim limitation as well. Rather, *Linde* merely discloses that a “key success factor” includes a physician’s rationale (why, when, to whom, and how of prescribing the drug) for selecting a particular brand of drug. Contrary to the Examiner’s contention, the rationale behind a physician’s drug prescription habits is wholly unrelated to launch practice standards that include information on how to perform a launch practice. Again, *Kogler* fails to cure the deficiencies of *Linde*. Thus, the obviousness rejection of claim 14 is improper and should be withdrawn.

Claims 15-18 are directed to an online system for facilitating improved consistency, deliverability and/or measurability of a launch practice and include limitations substantially similar to claims 11-14. For at least the reasons set forth above with respect to claims 11-14, respectively, *Linde* and *Kogler*, taken alone or in combination, do not render claims 15-18 obvious.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 3-5 and 11-18 and pass these claims through to allowance.

The Examiner rejects claim 7 under 35 U.S.C. §103(a) as being unpatentable over *Linde*. Applicants respectfully traverse this rejection.

Claim 7 is a dependent claim and is believed to be allowable based at least in part upon its dependency from an allowable independent claim. Notwithstanding, claim 7 includes additional limitations not taught or suggested by the cited references. For example, claim 7 recites that “the set of key sources further includes launch principles, assembly plant launch process models, product quality planning initiatives, former body and assembly quality systems, former production systems, milestone standards, and product development systems.” *Linde*, on the other hand, merely discloses obtaining information regarding the reasons

physicians choose to prescribe a particular drug on the market. ¶ [0050]. *Linde* also discloses qualitative marketing efforts tending to affect the adoption of a drug by a physician as a “drug of choice.” ¶ [0051]. In fact, all of the post-launch market performance analysis activities disclosed by *Linde* have nothing in common with the product launch development process, and thus fail to render claim 7 obvious in view of *Linde*. In view of the foregoing, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claim 7 and allow it to issue.

### *New Claims*

Applicants have added claim 19 and 20 to further emphasize patentable aspects of the present invention. Claim 19 recites “receiving the set of key sources from an at least one member of the first launch program team.” This limitation is not disclosed or suggested in the cited references, taken alone or in combination. Claim 20 recites “transmitting the launch practice item to an at least one member of the first launch program team; and the at least one member of the first launch program team using the launch practice item to improve consistency, deliverability and/or measurability of the launch practice during the first launch program.” Claim 20 depends from 1, and provides a patentable method of improving consistent, deliverable and/or measurable launch practices across a number of launch program teams through the use of launch practice items utilized by the launch program teams. Applicants respectfully request allowance of new claims 19 and 20.

**CONCLUSION**

Applicants thank the Examiner for the time and effort expended in reviewing the present application. Applicants have made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. Moreover, the Examiner is invited to contact the undersigned if any questions arise or any additional issues need to be resolved concerning the present application.

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Respectfully submitted,  
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